

REMARKS

Claim Status

Upon entry of this amendment, claims 1, 7 and 14 have been amended, claims 1-15 remain pending.

Drawings

FIG. 1 has been amended to include descriptive legends. It is now believed that FIG. 1 is in compliance with 37 C.F.R. 1.84(o). Therefore, Applicants respectfully request that the objection with respect to FIG. 1 be withdrawn.

Specification

The specification has been amended as described above to correct the grammatical error as well as other typographical errors. It is now believed that the specification is in compliance with the statutory requirements. Therefore, Applicants respectfully request that the objection with respect to the specification be withdrawn.

35 USC 112 Rejection

Claim 7 is rejected due to insufficient antecedent basis for the limitation “said delivery means”. Claim 7 has now been amended as described above. It is now believed that claim 7 is in compliance with respect to 35 USC 112. Therefore, Applicants respectfully request that the 35 USC 112 rejection with respect to claim 7 be withdrawn.

35 USC 103 Rejection

Claim 1 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima (U.S. Pat. No. 6,499,021) in view of Lin et al. (U.S. Pat. 6,163,802). For at least the reason(s) set forth below, Applicants respectfully traverse the foregoing rejection. It is alleged, amongst other things, that Abu-Hakima discloses a store of messages. Upon further review of the cited excerpt, Abu-Hakima actually discloses “a store of unified indexed e-messages 80 [that] contains all original received messages” Claim 1 has been amended to clarify that the messages are archived upon their delivery to the destination. The system as disclosed in Abu-Hakima only stores messages that are received and does not store messages upon their delivery to the destination. Hence, Abu-Hakima

does not disclose at least one of the limitations as recited in claim 1. Therefore, combining Abu-Hakima and Lin would not have resulted in the present invention as recited in claim 1. Thus, Applicants respectfully submit that claim 1 is patentable over the cited art.

Claim 2 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al. and further in view of Xie et al. (U.S. Pat. No. 6,662,213). For at least the reason(s) set forth below, Applicants respectfully traverse the foregoing rejection. As mentioned above, claim 1 is deemed to be patentable over the cited art. Since claim 2 depends from claim 1, this claim thus at least derives its patentability therefrom. Notwithstanding the foregoing, claim 2 by itself is also patentable over the cited art. It is alleged that Xie discloses a database associated with the monitoring means for counting the number of messages delivered during a selected time period. A further review of the cited excerpt shows that, under Xie, “[p]eriodically (e.g., every several seconds or predetermined number of communications), list 414 of identifiers of un-transmitted communications is packed into a communication and sent from node 400 to node 402.” Transmitting identifiers of un-transmitted communications is not the same as counting the number of messages delivered. Hence, Xie does not disclose or suggest the limitation(s) as recited in claim 2. Therefore, combining Xie, Abu-Hakima and Lin would not have resulted in the present invention as recited in claim 2. Thus, Applicants respectfully submit that claim 2 on its own is also patentable over the cited art.

Claims 3-5 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al. and further in view of Bobo (U.S. Pat. No. 6,350,066). Claims 3-5 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the issues of patentability raised independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claims 6, 7 and 9 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, and further in view of Hind et al. (U.S. Pat. No. 6665,721). Claims 6, 7 and 9 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the issues of patentability raised

independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claim 8 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Bobo, further in view of Hind, and further in view of Xie. Claim 8 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Furthermore, the same arguments and rationale set forth above in connection with claim 2 apply to claim 8 with equal force. Therefore, Applicants respectfully submit that these claims are patentable over the cited art.

Claims 10 and 12-14 are rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., and further in view of Elo et al. (U.S. Pub. No. 2003/0204814). Claims 10, 12-14 depend either directly or indirectly from claim 1 and thus at least derive their patentability therefrom. Without conceding the issues of patentability raised independently with respect to these claims and in the interest of expediting allowance of this present application, Applicants respectfully submit that these claims are patentable over the cited art.

Claim 11 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Bobo. Claim 11 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Without conceding the issue of patentability and in the interest of expediting allowance of this present application, Applicants respectfully submit that this claim is patentable over the cited art.

Claim 15 is rejected under 35 USC 103(a) as being unpatentable over Abu-Hakima in view of Lin et al., further in view of Hind et al., further in view of Elo et al. and further in view of Xie. Claim 15 depends indirectly from claim 1 and thus at least derives its patentability therefrom. Furthermore, the same arguments and rationale set forth above in connection with claims 2 and 8 apply to claim 15 with equal force. Therefore, Applicants respectfully submit that this claim is patentable over the cited art.

Power of Attorney

It is further noted that the individual attorney of record for this application, Horace Ng, has recently moved to another law firm, McDermott Will & Emery LLP. It is realized that a new Power of Attorney and 3.73(b) Statement have to be filed. However, an authorized officer of the assignee of this application, Slam Dunk Networks, Inc., is not presently available to execute the new Power of Attorney and 3.73(b) Statement. Therefore, it is respectfully requested that the Examiner accept submission of this amendment for consideration for the time being. As soon as the requisite documents are executed, they will be forwarded to the U.S. Patent Office promptly.

In view of the foregoing, Applicants believe all claims now pending in this application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested. If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at the telephone number provided below.

Respectfully submitted,

MCDERMOTT WILL & EMERY LLP



Horace H. Ng
Registration No. 39,315

18191 Von Karman Ave., Suite 400
Irvine, CA 92612-7107
Telephone: 949.851.0633
Facsimile: 949.851.9348
HN:al

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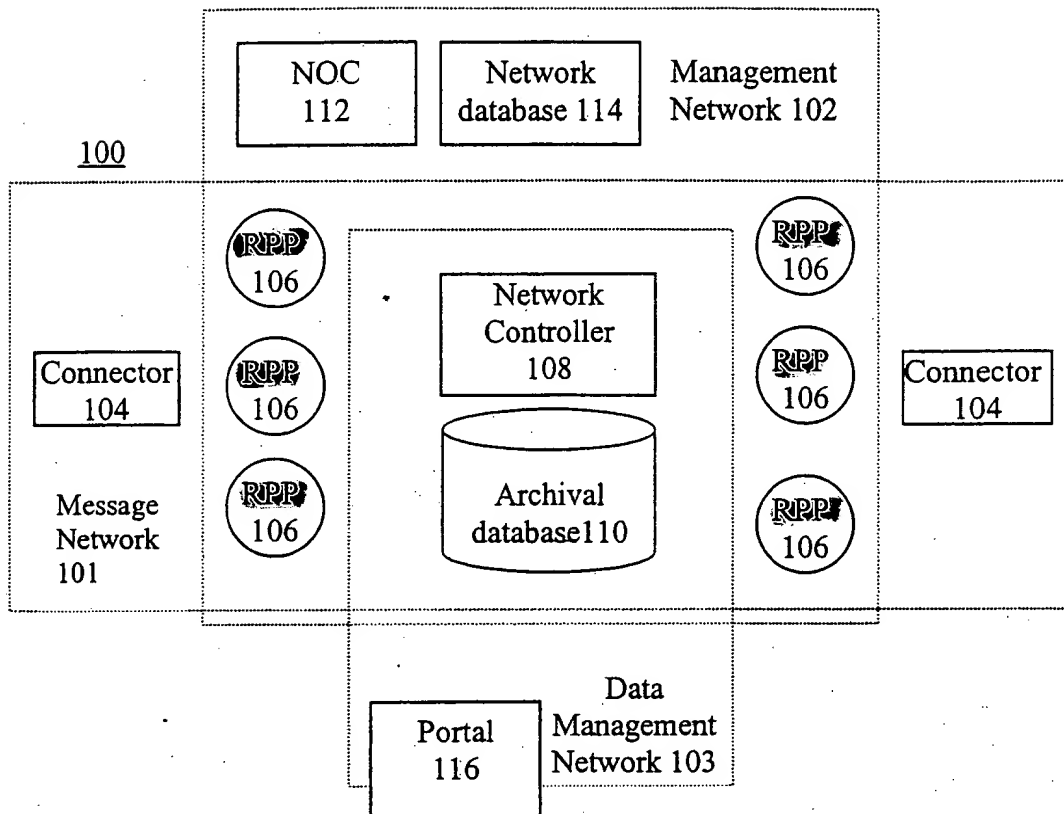


Fig. 1